

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-22849 - APPLICANT/OWNER: PAUL AND HEATHER BLONSKY

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

2. The proposed garage shall be side-loaded and meet the approval of the City Traffic Engineer.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to the Title 19.08.040 Residential District Development Standards to allow a 10-foot front yard setback for a detached Class II Accessory Structure where a 20-foot setback is required. The applicants are proposing to build a side-loaded garage with a turret-style breezeway placed between it and the primary structure on 0.29 acres at 2400 Karli Drive.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
8/09/07	The Planning Commission voted to hold this item in abeyance to the August 23, 2007 Planning Commission in an effort to provide the applicant an opportunity to meet with the neighbors.
8/23/07	The Planning Commission voted to continue to hold this item in abeyance to the September 13, 2007 Planning Commission in an effort to provide the applicant more time to meet with the neighbors.
<i>Related Building Permits/Business Licenses</i>	
12/16/00	Plan Check #M-4129-00: Indoor sewer stub for bathroom addition. Permit expired.
<i>Pre-Application Meeting</i>	
6/08/07	A pre-application was held with the applicants and staff to discuss the future expansion of the single family dwelling located at 2400 Karli Drive. The applicants propose to build a Non-habitable Accessory Structure (Side-loaded Garage) within 10 feet of the required 20-foot front yard setback. All other additions are associated with the primary structure.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
7/19/07	The Department of Planning and Development conducted a field check and made the following observations: 1. Existing Single Family Dwelling within the McNeil Park subdivision. 2. Neighboring houses on both sides of subject site have side-loaded garages locate in front. 3. Existing screen wall located in front yard.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.29 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (200 feet)	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.040, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 square feet	12,724 square feet	Y
Min. Lot Width	65 feet	80 feet	Y
Min. Setbacks for Accessory Structure			
• Front Property Line	20 feet	10 feet	N
• Side & Rear Property Lines	3 feet	5 feet	Y
• Separation from Primary Structure	6 feet	10 feet	Y
Min. Distance Between Buildings	6 feet	10 feet	Y
Max. Lot Coverage	50%	28%	Y
Max. Accessory Structure Height	1-story/17 feet (primary structure height)	17 feet	Y

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ANALYSIS

The existing 2,429 square foot single family dwelling currently meets all Residential Design Standards per Title 19.08.040. The applicant is seeking approval to construct an additional 600 square-foot side-loaded garage 10 feet from the required 20-foot front yard setback. Although the Class II Detached Accessory structure does not meet the front yard setbacks, the proposal complies with all other standards required of a side-loaded garage in that it is 10 feet from the primary structure, 5 feet from the side property lines, shorter than the primary structure and less than half its floor area.

The proposed 600-foot square-foot accessory structure links to the primary structure through a turret-style breezeway; however, the Accessory structure is considered “detached” by Title 19.20 Definitions as the side-loaded garage shares neither a roof nor wall with the primary structure.

The request for the Variance stems from a personally-created hardship that could be met with alternative designs. Therefore, staff recommends denial.

- **Public Works Comments**

Public Works is concerned with front-yard setbacks in regard to driveway lengths; a minimum of 18 feet of driveway length should exist between the back of sidewalk (or curb, if no sidewalk is proposed) and the face of the garage, to allow vehicles to park completely outside the vehicular or pedestrian travel corridor. From the submitted site plan, the driveway into the garage appears to be over 18 feet in length and therefore we have no objection to the Variance Request to allow a garage expansion to encroach 10 feet where a 20 foot front yard setback is required for property located at 2400 Karli Drive.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

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Additionally, Title 19.18.070(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to locate the side-loaded garage within the 20-foot front yard setback. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 220

APPROVALS 4

PROTESTS 6